REMARKS

Claims 1-18 are all the claims presently pending in the application. Claim 18 has been amended to more clearly define the invention. Claims 1, 5, 8 and 18 are independent.

Applicant gratefully acknowledges that claims 1-17 are allowed. However, Applicant respectfully submits that all of the claims are allowable.

Entry of this §1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada, et al. (U.S. Patent No. 5,721,583), in view of Yoshioka, et al. (U.S. Patent No. 6,337,641 B1).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a method of analyzing data. The method includes determining if a direct communication link between a measuring instrument and an analyzing center is established, transmitting measurement data from the measuring instrument to the

analyzing center if a direct communication link with the analyzing center is established, and transmitting measurement data from the measuring instrument directly to a terminal unit and transmitting the measurement data directly from the terminal unit to the analyzing center if the direct communication link between the measuring instrument and the analyzing center is not established. The measuring instrument and the terminal unit form a user system.

As shown in Fig. 1, conventional methods of analyzing data have relied upon a reliable communications link between a measuring unit 101 and the analyzing server 103. These conventional methods were unable to obtain an analysis of data generated by the measuring instrument 101 using the analysis server 103 if this link was disconnected.

By contrast, the present invention is capable of obtaining an analysis of the measured data even if there is no direct connection between the measuring unit and the server. The method of the present invention determines whether a direct communications link between the measuring instrument and the analyzing center is established, transmits the measurement data from the measuring instrument to the analyzing center if the direct communication link is established and transmits the measurement data from the measuring instrument directly to a terminal unit and transmits the measurement data directly from the terminal unit to the analyzing center if the direct communication link between the measuring instrument and the analyzing center is not established. In this manner, the present invention provides the ability to obtain an analysis of the measured data even if a direct communication link between the measuring instrument and the analyzing center is not established.

II. THE PRIOR ART REJECTION

Regarding the rejection of claim 18, the Examiner alleges that the Yoshioka et al. reference would have been combined with the Harada et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Harada et al. reference is directed to an improved interactive television system whereby each user can employ a remote control apparatus to request specific services or to participate in electronic polling (col. 1, lines 12-15). In particular, the Harada et al. reference is concerned with solving the problems experienced by interactive television systems by providing a system which prevents multiple polling responses from the same user (col. 5, lines 26-29), enable polling which is free from delay (col. 5, lines 30-33), enable users of the polling system to be individually notified of polling results (col. 5, lines 33-36), to ensure the privacy of users of the polling system (col. 5, lines 37-40), ensuring that detailed personal information is available for categorizing results (col. 5, lines 40-45), minimize the quantity of data which is transferred during polling (col. 5, lines 46-48), effectively utilization of user's polling rights (col. 5, lines 49-52), accurately identification of users requesting services (col. 5, lines 53-60), encryption of user identification data (col. 5, lines 61-67), providing a restriction control code (col. 6, lines 1-10) and obviating the need for data input when requesting services (col. 6, lines 11-18). The Harada et al. reference

obtains these objectives by providing an identifier to each remote control in the interactive television system (col. 6, lines 24-26).

In contrast, the Yoshioka et al. reference is specifically directed to an emergency reporting network system for automotive vehicles and a terminal used in an emergency reporting network system (col. 1, lines 7-10). In particular, the Yoshioka et al. reference discloses an emergency reporting network system which is capable of informing a user of the system of the operating condition of the communication device (col. 1, line 62 - col. 2, line 3). One of ordinary skill in the art would not have been motivated to modify the interactive television system disclosed in the Harada et al. reference based upon the disclosure of the emergency reporting network system for automotive vehicles in the Yoshioka et al. reference because the emergency reporting network system for automotive vehicles disclosed in the Yoshioka et al. reference has absolutely nothing to do with an interactive television system.

These references are not only directed to completely different matters and problems but they are also from completely unrelated fields of art. Therefore, these references are non-analogous to not only the present invention but also to each other. Clearly, these references were obtained by the Examiner based upon a keyword search of the entire patent database using a keyword generated from the Applicant's own specification. Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

The Examiner alleges that it would have been obvious to modify the interactive television system disclosed by the Harada et al. reference based upon the emergency reporting

network system for automotive vehicles disclosed by the Yoshioka et al. reference "in order to provide a system which can still operate without any interruption even when the communication link is not established." The Examiner cites col. 2, lines 22-45 in an attempt to support this allegation. However, Applicant respectfully submits that not only does the Yoshioka et al. system not "provide a system which can still operate without any interruption even when the communication link is not established" as alleged by the Examiner, but that the citation provided by the Examiner to the Yoshioka et al. reference is directed to completely different matters and problems.

As explained above, the Yoshioka et al. reference is concerned with solving the problem of a user who feels uneasy because the user does not know whether emergency data has been successfully communicated after an accident occurs (col. 1, lines 21-25). The system disclosed by the Yoshioka et al. system addresses this concern by providing an informing device and a "seventh means" for informing the user of the operating condition of the communication device (col. 2, lines 40-45).

Contrary to the Examiner's allegation, the Yoshioka et al. reference does not disclose "a system which can still operate without any interruption even when the communication link is not established." Rather, the Yoshioka et al. reference merely discloses an emergency reporting network system for automotive vehicles which informs the user of the operating condition of the communication device. In other words, the emergency reporting network system for automotive vehicles does not provide any alternative if the communication device in the emergency reporting network system for automotive vehicles is not able to establish the communication link.

This is in stark contrast to the present invention which is capable of providing an alternative communication path if the primary communication path (direct link between the measuring instrument and the analyzing center) is not available. The present invention determines whether the primary communication link is established between the measurement apparatus and the analyzing center and will transmit measurement data using that link if it is established. The present invention will transmit the measurement data using an alternative communication link via the terminal unit if the direct communication link is not established. Clearly the Yoshioka et al. reference does not disclose providing an alternative communication path should the primary communication link not be established. Rather, the Yoshioka et al. reference merely discloses informing the user of the status of communications.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As shown in Fig. 1, the Harada et al. reference discloses a center apparatus 101, a terminal apparatus 102 and a remote control apparatus 104. The Examiner alleges that the Harada et al. reference discloses "an instrument measuring an object in a user" and cites col. 10, lines 25-41. This portion of the Harada et al. reference discloses that the terminal apparatus 102 comprises means for measuring an elapsed time (col. 10, lines 26-28) and means for sending the elapsed time amounts to the center apparatus 101 via a data communication network (col. 10, lines 31-35). Therefore, the Examiner alleges that the data communication network corresponds to the claimed direct communication link.